



Fox Rothschild LLP
ATTORNEYS AT LAW

101 Park Avenue, 17th Floor
New York, NY 10178
Tel (212) 878-7900 Fax (212) 692-0940
www.foxrothschild.com

SHIREEN NASIR
Direct No: 646.601.7649
Email: SNasir@FoxRothschild.com

June 20, 2018

The Honorable Ramon E. Reyes, Jr.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Re: 1:18-cv-00432-KAM-RER, Plaintiff's Second Letter Motion for Extension of Time Within Which to Effectuate Service on John Doe Defendant

Dear Judge Reyes:

Fox Rothschild, LLP represents Plaintiff in the above captioned matter. Plaintiff respectfully requests an order extending the time within which Plaintiff has to serve Defendant with a summons and Complaint.

On January 22, 2018, Plaintiff filed the instant case against John Doe, subscriber assigned IP address 24.90.194.93, alleging Defendant infringed thirty-two of Plaintiff's works through the BitTorrent protocol. [Dkt. No. 1]. Because Defendant is only known to Plaintiff by Defendant's IP address, on February 6, 2018, Plaintiff requested leave file a Motion for Leave to Serve a Third Party Subpoena on the Defendant's Internet Service Provider ("ISP"). [Dkt. No. 7]. On February 6, 2018, the Court granted Plaintiff leave to file that motion.

Accordingly, on February 12, 2018, Plaintiff filed a Motion for Leave to Serve a Third Party Subpoena Prior to a Rule 26(f) Conference ("Motion for Leave") in order to serve a third party subpoena on Defendant's ISP. [Dkt. No. 9].

Pursuant to Fed. R. Civ. P Rule 4(m), Plaintiff was required to effectuate service on the Defendant by no later than April 22, 2018. Because the Defendant's identity was unknown to Plaintiff, Plaintiff filed its First Motion for Extension of Time to Effectuate Service ("Motion for

A Pennsylvania Limited Liability Partnership

California	Colorado	Connecticut	Delaware	District of Columbia	Florida	Illinois
Minnesota	Nevada	New Jersey	New York	Pennsylvania	Texas	Washington



June 20, 2018

Page 2

Extension”) on April 19, 2018. [Dkt. No. 10]. On April 19, 2018, the Court granted Plaintiff’s Motion for Extension, extending the deadline to effectuate service until June 21, 2018.

On May 21, 2018, Plaintiff was granted leave to serve a third party on Defendant’s ISP to obtain Defendant’s identifying information. [Dkt. No. 11]. Plaintiff served the subpoena on May 30, 2018 and expects to receive the ISP’s response on or about October 8, 2018.

Because the ISP is not expected to respond until October 8, 2018 and Defendant’s identity is currently remains unknown to Plaintiff, Plaintiff is unable to comply with the current service deadline.

This is Plaintiff’s second request for an extension of time with which to effectuate service of process.

For the foregoing reasons, Plaintiff respectfully requests that the time within which it must effectuate service of a summons and Complaint on the John Doe Defendant be extended an additional sixty (60) days from October 8, 2018 (the date Plaintiff expects to receive the ISP response) and thus the deadline to effect service be extended to December 7, 2018.

Respectfully Submitted,

By: /s/ Shireen Nasir
Shireen Nasir, Esq.
snasir@foxrothschild.com
101 Park Avenue
17th Floor
New York, NY 10178
Tel.: (212) 878-7900
Fax: (212) 692-0940
www.foxrothschild.com
Attorneys for Plaintiff